DOCUMENT RESUME

ED 266 821 JC 860 108

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TITLE A Study of Governance in the Unionized Two-Year Institution.
PUB DATE [85]
NOTE 59p.
PUB TYPE Historical Materials (060) -- Information Analyses (070)

EDRS PRICE MF01/PC03 Plus Postage.
DESCRIPTORS *Collective Bargaining; *College Administration; Community Colleges; Employer Employee Relationship; Faculty College Relationship; *Governance; Negotiation Agreements; *Teacher Administrator Relationship; *Teacher Associations; Teacher Role; *Two Year Colleges; Unions

ABSTRACT

A study was conducted to assess the extent to which faculty associations in two-year colleges have penetrated certain management functions or rights, to determine the impact of academic unions on traditional "faculty rights," and to develop predictors of the extent of faculty association penetration into management areas. The study involved an analysis of 184 two-year collective bargaining agreements, focusing on long-range planning, retrenchment, promotion, appointment, nonrenewal, tenure, and management rights. Study findings include the following: (1) 58% of the faculties had elected the National Education Association (NEA), and 32% elected the American Federation of Teachers (AFT); (2) for 20.6% of the sample, there had been a change in the bargaining agent; (3) faculty associations had made only modest contractual inroads in the administrative and personnel areas; (4) all of the agreements contained a managements rights clause, and nearly 70% contained strong rights statements; (5) unions in two-year colleges were less successful than those in four-year institutions in pushing into traditional personnel areas; (6) local economic, political and organizational factors played a more determining role in shaping the bargaining process for community colleges than for four-year institutions; (7) faculty rights scores for schools in the private sector were significantly higher than scores in public institutions; (8) contracts associated with the AFT were strongest with respect to safeguarding faculty rights; (9) regions with healthy economies, fewer urban centers, and an absence of traditional ethnic bonds were less likely to favor organized group action; (10) NEA and American Association of University Professors contracts reflected the highest management rights mean scores; and (11) the identity and stability of the exclusive representative was a crucial and significant variable in assessing bargaining outcomes. (LAL)

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A Study of Governance in the Unionized Two-Year Institution

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A Study of Governance in the Unionized Two-Year Institution

By Margaret K. Chandler and Daniel J. Julius

Objectives of the Research

This research reported in this article is derived from a fourteen year study concerning the sharing of authority in two-year colleges and universities.1 We have concluded that it is impossible to comprehend this problem without structuring it in terms of rights issues, for complex rights questions are endemic to the faculty-administration relationship. This type of bargaining does not begin in the industrial fashion with one party (management) in possession of a fund of rights which the other party (union) attempts to acquire. In academic collective bargaining both parties come to the negotiating table with their separate but overlapping bundles of rights. Each claims prior jurisdiction over similar prerogatives, functions and duties.

The phenomenon we are studying is of growing importance. Before 1966, there were almost no collective bargaining agreements in higher education. However, by 1985 one out of every three professors and professional staff members had joined unions. In two-year institutions, nearly 35% of all faculty are union members. In less than twenty years, the percentage of faculty covered by collective bargaining agreements

1 Dr. Margaret K. Chandler is professor in the Management of Organizations and Corporate Relations Divisions of the Graduate School of Business, Columbia University. Dr. Daniel J. Julius is Associate Vice President for Academic Affairs at the University of San Francisco. The authors wish to thank Dr. Linda Poulin, assistant professor of educational research and statistics at Pepperdine University, Mr. Steven Grover of the Graduate School of Business at Columbia University for their assistance in the data analysis and Dr. Joseph N. Hankin, President of Westchester Community College for his perceptive comments on the text.

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is the same as the percentage of unionized workers in the entire private sector labor force, almost a half century after the passage of the Wagner Act.

Although a voluminous body of literature is devoted to the consequences of academic unionism, few studies include an in-depth analysis of bargaining agreements. Instead, many studies of faculty bargaining are based on attitudinal surveys, which are notoriously poor predictors of behavior. If attitudes are poor predictors, it is also true that contract language may not mirror actual events and behavior. The parties may ignore or misinterpret a given clause. However, it still stands as part of the agreement. The parties debated its wording and placed it in the contract with the understanding that both of them would abide by it. If a dispute arises, language becomes critical in the determinations of arbitrators and judges.

Our first goal was to assess the extent to which faculty associations have penetrated certain management functions or rights. Conversely, to what extent have administrators been asserting their rights in the agreement?

A second aim was to determine the impact of academic unions on traditional "faculty rights." As professionals, the faculty also have a managerial role, e.g., setting standards for performance and evaluating performance. As union members, what are faculty doing with their traditional professional rights? Are they placing them in the contract or trading them off for other items?

We sought to develop predictors of the extent of faculty association penetration into management areas. We tested fourteen institutional and demographic variables: region, state, size (student)

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enrollment and size of faculty), affiliation (public vs. private), bargaining agent, institutional type and quality, the existence of enabling legislation, age of relationship, agent stability, first or later contract, status of department chairman (in or out of the unit and institutional ranking on salary to determine if these factors were associated with stronger or weaker faculty voice. (See Appendix I)

Methods and Techniques

In seeking answers to the questions we have raised, we selected for study seven crucial areas which are at the center of the rights struggles in organized institutions of higher education. Two represent key administrative decisions: long range planning and retrenchment; four represent key personnel decisions: promotion, appointment, nonrenewal, tenure; and the seventh is the issue of management rights.

We then proceeded to conduct a comprehensive analysis of these issues in 184 two-year collective bargaining agreements. Our sample includes 70% (n=184; 178 public, 6 private) of all two-year agreements (see Appendix II). In January 1985, the National Center for the Study of Collective Bargaining in Higher Education and the Professions at Baruch College, indicated that 395 contracts, 117 four-year and 278 two-year, are in existence.2

2 Joel M. Douglas with Elizabeth A. Kotch, editors. Directory Faculty Contracts and Bargaining Agents in Institutions of Higher Education (New York: NCSCBHE/P, Baruch College, City University of New York, 1985) pp. 95-96.

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We devised a new method of scaling the agreements with regard to association influence the extent of assertion of management rights. The following provides a brief description of the scaling method used in this study:

1. Each contract was read and analyzed in its entirety. All references with regard to a particular clause were examined.
2. A five point scale was employed. For all clauses, the lowest rating indicated no mention of the item in question, while higher ratings indicated more faculty control over personnel and administrative policies or stronger management rights. When contracts incorporated references to state statutes or rights embodied in national statements of faculty unions, such language also was assessed.
3. Criteria used to ascertain faculty control were reviewed by several experts in the field, and the reliability of the scaling was checked through personal interviews.
4. No sampling procedure was employed. All available contracts were analyzed and scaled.

Through statistical analysis, we determined the relationship of our measures to association and administrative influence and to our institutional and demographic variables.

Data Source

The National Center for the Study of Collective Bargaining in Higher Education and the Professions at Baruch College (CUNY) very kindly permitted the authors to use its contract files, which constitute the most complete collection in existence.

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The Two-Year Colleges
Descriptive Data (Independent Variables)

The following tables present the characteristics of the two-year colleges in our study. (See Tables 1-12). It is evident that schools in the Midwest and East comprise the majority of the organized institutions. Fifty-eight percent of the faculties have elected the NEA. The AFT ranks second with 32 percent unionized two-year institutions tend to be larger in both enrollment and bargaining unit size. In one quarter of the sample we observed a switch in the bargaining agent. It is also of interest to note that nearly 1/4 of the sample represents institutions that have been engaged in collective bargaining for eleven years or longer. The overwhelming majority of contracts studied were successor agreements. They were almost evenly split with regard to inclusion or exclusion of the department chair in the bargaining unit.

The independent variables proved to be interdependent. For instance, region, size and agent overlapped, e.g., the NEA was heavily concentrated in larger schools in the Midwest.

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TABLE 1

ALL TWO-YEAR INSTITUTIONS

STATE

	ABSOLUTE FREQUENCY	RELATIVE FREQUENCY (PCT)
OTHER	44	23.9
WISC	13	7.1
ILL	16	8.7
PENN	10	5.4
WASH	16	8.7
NJ	16	8.7
MICH	21	11.4
CAL	20	10.9
NY	28	15.2
	n = 184	100%

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TABLE 2

ALL TWO-YEAR INSTITUTIONS

REGION OF COUNTRY

	ABSOLUTE FREQUENCY	RELATIVE FREQUENCY (PCT)
MIDWEST	72	39.1
WEST	46	25.0
EAST	66	35.9
	n = 184	100%

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TABLE 3

ALL TWO-YEAR INSTITUTIONS

ENABLING LEGISLATION

	ABSOLUTE FREQUENCY	RELATIVE FREQUENCY (PCT)
NONE	16	8.7
2 YEAR SCHOOLS	48	26.1
2 YEAR/4 YEAR	113	61.4
MISSING	7	3.8
	n = 184	100%

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TABLE 4

ALL TWO-YEAR INSTITUTIONS

COMPENSATION

	ABSOLUTE FREQUENCY	RELATIVE FREQUENCY (PCT)
0 - 19%	1	.5
20 - 39.9%	17	9.2
40 - 59.9%	31	16.8
60 - 79.9%	65	35.3
80 - 94.9%	58	31.5
95% +	12	6.5
	n = 184	100%

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TABLE 5

ALL TWO-YEAR INSTITUTIONS

DEPARTMENT CHAIR IN UNIT

	ABSOLUTE FREQUENCY	RELATIVE FREQUENCY (PCT)
OUT	77	41.8
IN	107	58.2
	n = 184	100%

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TABLE 6

ALL TWO-YEAR INSTITUTIONS

CONTRACT NUMBER

	ABSOLUTE FREQUENCY	RELATIVE FREQUENCY (PCT)
FIRST	16	8.7
LATER	168	91.3
	n = 184	100%

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TABLE 7

ALL TWO-YEAR INSTITUTIONS

AGE OF RELATIONSHIP

	ABSOLUTE FREQUENCY	RELATIVE FREQUENCY (PCT)
2 YEARS	4	2.2
4 YEARS	30	16.2
6 YEARS	32	17.4
8 YEARS	25	13.6
11 YEARS	42	22.8
14 YEARS	44	23.9
17 YEARS	7	3.8
	n = 184	100%

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TABLE 8

ALL TWO-YEAR INSTITUTIONS

AGENT STABILITY

	ABSOLUTE FREQUENCY	RELATIVE FREQUENCY (PCT)
ONE AGENT	146	79.3
OUTSIDE TO INDEPENDENT	4	2.2
INDEPENDENT TO OUTSIDE	24	13.0
OUTSIDE A TO OUTSIDE B	10	5.4
	n = 184	100%

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TABLE 9

ALL TWO-YEAR INSTITUTIONS

BARGAINING UNIT SIZE

	ABSOLUTE FREQUENCY	RELATIVE FREQUENCY (PCT)
0 - 49	27	14.7
50 - 99	45	24.5
100 - 149	28	15.2
150 - 249	36	19.6
250 - 499	28	15.2
500 - 999	10	5.4
1,000 +	10	5.4
	n = 184	100%

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TABLE 10

ALL TWO-YEAR INSTITUTIONS

UNION AFFILIATION

	ABSOLUTE FREQUENCY	RELATIVE FREQUENCY (PCT)
PRIVATE	6	3.3
PUBLIC	178	96.7
	n = 184	100%

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TABLE 11

ALL TWO-YEAR INSTITUTIONS

INSTITUTIONAL ENROLLMENT

	ABSOLUTE FREQUENCY	RELATIVE FREQUENCY (PCT)
0 - 749	6	3.3
750 - 1499	19	10.3
1500 - 2999	36	19.6
3000 - 4999	27	14.7
5000 - 9999	49	26.6
10,000 - 19,999	28	15.2
20,000 - 39,999	13	7.1
40,000 +	6	3.3
	n = 184	100%

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TABLE 12

ALL TWO-YEAR INSTITUTIONS

BARGAINING AGENT

	ABSOLUTE FREQUENCY	RELATIVE FREQUENCY (PCT)
MERGER	2	1.1
INDEPENDENT	11	6.0
NEA	108	58.7
AALP	4	2.2
AFT	59	32.1
	n = 184	100%

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Dependent Variables: Descriptive Data

The following bar graphs depict the results of our scaling and the mean scores for each clause (see Tables 13-19).

It is of interest to note that faculty associations have made only modest contractual inroads in the administrative and personnel areas Gains in long range planning as well as the personnel areas were truly modest. Mean scores below three (3) indicate less than consultation rights. The mean score in the area of retrenchment is the highest.

Not surprisingly, two-year managers are incorporating strong and detailed management rights language into collective bargaining agreements. Here again, the interdependence of association and/or managerial rights is evident. The data, when subjected to a Pearson correlation test, indicate, at a significant level, that scoring in all areas and, in particular, the four personnel-related areas, is strongly inter-related. An association which lacks strong rights in one area, will lack them for other issues as well.

The Management Rights Clause
Two-Year Agreements

Our data indicate that management negotiators wanted contractual language affirming their rights. All of the agreements contained such a clause, and nearly 70% contained strong rights statements. Unquestionably, administrators regard the affirmation of such rights as a high priority item.

Institutional size is an excellent predictor of the degree to which a contract manifests strong rights language. Management rights were significantly and inversely related ($p \leq .039$) to this variable. In fact, in colleges in which enrollments were under 5,000, scores on this clause ranged from 3.9 to 4.1. Institutions in which enrollment exceeded

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40,000 contained the lowest management rights scores. As institutional size increases, the strength of the management rights clause decreases

Geographic region is another variable associated with specificity in this clause. Management rights were significantly related ($p \leq .001$) to region and to state ($p \leq .001$). Scores from institutions in the Midwest were highest, followed by colleges in the West. Schools in eastern states generally had weaker management rights clauses. Clauses found in contracts in Michigan, Wisconsin and Illinois reflected mean scores of 3.8, 3.7 and 4.0 respectively. While contracts from schools in New Jersey and Pennsylvania reflected mean scores of 3.4 and 3.2. California's two-year colleges achieved the high mean score of 4.2, while those from institutions in Washington were scaled at 3.3.

A statistically significant relationship ($p \leq .002$) exists between the bargaining agent and strength or weakness in management rights clauses. In this case, contracts negotiated by the NEA (mean score 4.0) and those negotiated by independent agents (mean score of 3.8) are contrasted to lower managements rights scores found in units represented by mergers, the AAUP and the AFT, all of which had mean scores of 3.5.

Not surprisingly, scoring on the management rights issue was significantly related ($p \leq .025$) to bargaining unit size. Smaller units, those containing under 100 faculty, had contracts boasting the strongest rights language. Institutions where unit size ranged from 250 to 499 reflected the lowest mean score of 3.5.

Bargaining agent stability, the age of the bargaining relationship and whether or not the department chair was in or out of the bargaining unit were not significantly related to the strength of the management rights clause. However, institutional ranking on salary was

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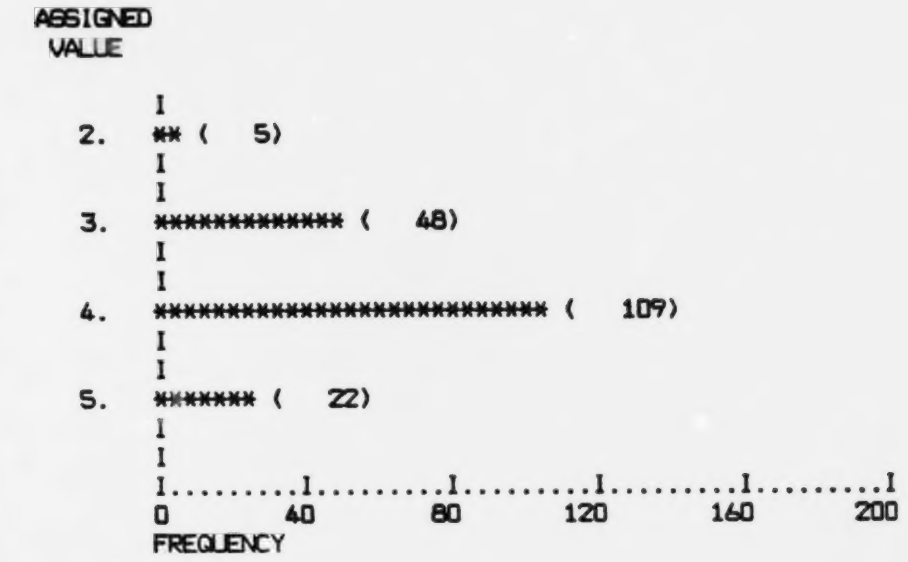
TABLE 13

MANAGEMENT RIGHTS



MEAN = 3.804

n = 184

"5" EQUALS STRONGEST ASSERTION OF FACULTY RIGHTS EXCEPT FOR MANAGEMENT RIGHTS CLAUSE WHERE "5" EQUALS STRONGEST ASSERTION OF ADMINISTRATIVE RIGHTS.

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significantly related ($p \leq .001$) to the scaled means for this clause. In this instance, institutions in which the administration was able to negotiate stronger rights language fell in the lowest quartile. Faculty contracts of institutions in which employees were receiving the highest compensation invariably were associated with weaker rights language.

Our Pearson correlation findings indicate that higher scores on management rights clauses are inversely related to scoring patterns for the other dependent variables. In other words, unions that obtain strong rights guarantees on long range planning, retrenchment, appointment, promotion, nonrenewal and tenure tend to have prevented management from obtaining strong rights language.

The Extent of Association Influence
Two-year Agreements

The assertion of management rights is one side of the coin. The other side is the contractually established extent of association influence. Long range planning and retrenchment are two administrative functions at the center of controversies in organized universities. Professional unions' attempts to penetrate these managerial areas, particularly in the two-year sector, have accelerated as the economic crisis in education has deepened.

The Administrative Decisions
Long Range Planning

In general, unions in two-year institutions have not made significant advances in this area. (See Table 14) Nearly 63 percent of the sample received a score of 1 or 2. One-third of the sample was awarded a code of 3 and less than 4 percent were scored at 4. Not one agreement was awarded a code of 5.

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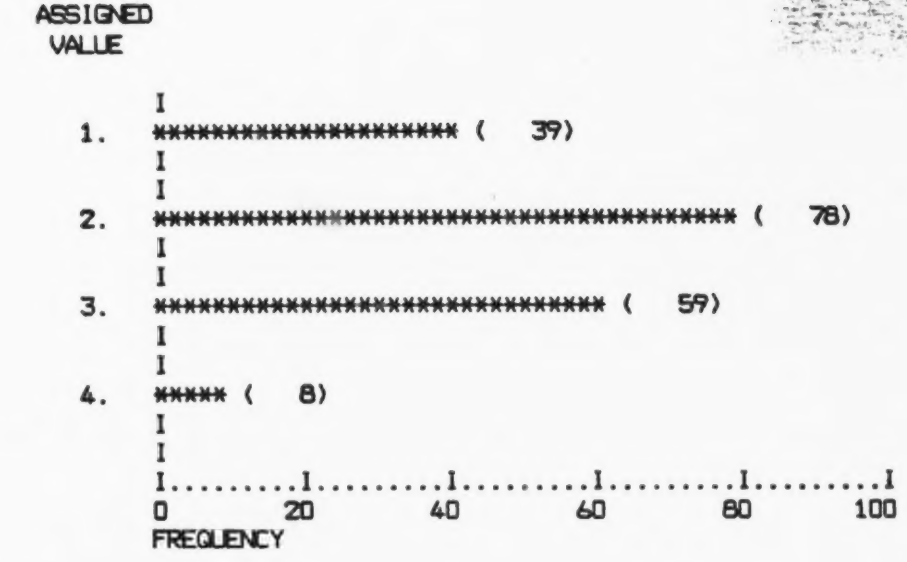
TABLE 14

LONG RANGE PLANNING



MEAN = 2.196

n = 184

"5" EQUALS STRONGEST ASSERTION OF FACULTY RIGHTS EXCEPT FOR MANAGEMENT RIGHTS CLAUSE WHERE "5" EQUALS STRONGEST ASSERTION OF ADMINISTRATIVE RIGHTS.

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As in the case of management rights, a number of independent variables were significantly related to contract language. For example, the state in which a faculty bargained was found to be significant at the ($p \leq .007$) level. The strongest contracts from the unions' standpoint, were found in Washington and Pennsylvania, scoring at 2.6 and 2.7 respectively. Agreements negotiated in California and Wisconsin, scored at 1.8 and 2.0, respectively, were those in which faculty attained the smallest rights guarantees.

Scores on the long range planning clause were significantly related ($p \leq .001$) to the identity of the bargaining agent. The strongest assertions of faculty rights were associated with contracts negotiated by the AFT and AAUP (mean score of 2.5). Agreements negotiated by the NEA (mean score of 2.0) and by mergers of agents (mean score of 1.5) reflected less specificity in the clause, i.e., less of a guarantee of a faculty role in the long range planning function.

Bargaining unit size ($p \leq .002$) and age of contractual relationship ($p \leq .001$) also proved to be significantly related to assertion of faculty rights in this area. Faculty in middle-sized units of 250 to 499 obtained the strongest rights guarantees in long range planning. In this instance weaker association language was associated with the smallest and largest bargaining units. With regard to the age of the contractual relationship, greater age was positively associated with stronger rights guarantees. The highest scores were found in institutions where faculty had bargained eleven years or longer.

Assertion of faculty rights in the long range planning function was not significantly related to state, legislation, agent stability or whether or not the department chair was in or out of the bargaining unit. However, employee salary levels were significantly and positively

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related ($p \leq .001$) to scores for this clause. This finding suggests that unions that bargain well in financial matters attain strong rights guarantees in administrative areas as well.

Retrenchment

The economic crunch has caused the resource allocation decision involved in retrenchment to become a key issue. As education is a labor intensive industry, retrenchment often results in cuts in faculty positions. This situation, in turn, has aroused professional concern about budgetary matters and about placing controls on the retrenchment process.

In contrast to scores awarded to the other administrative and personnel issues, the mean score on retrenchment was the highest at 2.6. Nearly 60% of the sample received a code of 3 or 4. Less than 20 percent of the sample had no language regarding retrenchment.

Institutional and demographic variables were associated with strength of assertion of faculty rights. Geographic region ($p \leq .007$) and state ($p \leq .007$) were related significantly to assertion of faculty rights. Contracts from the Midwest (Wisconsin, Michigan, Illinois) reflected the highest scores for this clause. Faculty in California community colleges obtained the least rights (mean score of 1.4) in this crucial area.

The bargaining agent itself was not significantly related to strength of contract language. However, when held constant with contract number ($p \leq .001$) and age of contractual relationship ($p \leq .001$), the agent's identity became an important factor. Stronger rights guarantees invariably were found in agreements that had been in

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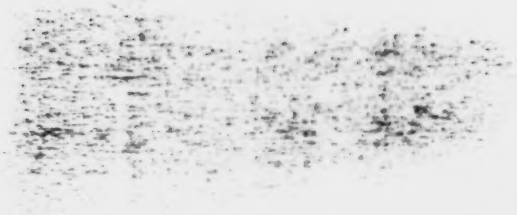
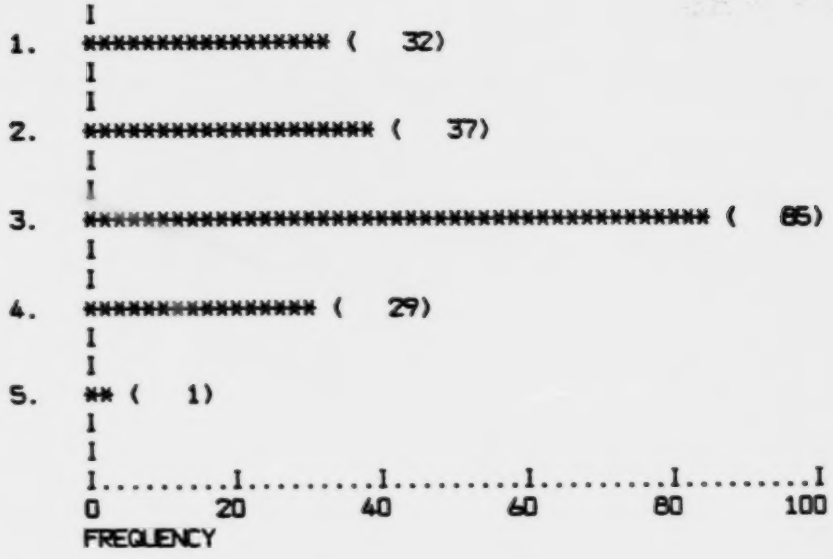
TABLE 15

RETRENCHMENT



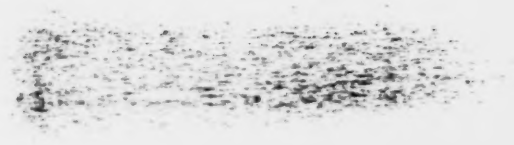
ASSIGNED
VALUE



MEAN = 2.620

n = 184

"5" EQUALS STRONGEST ASSERTION OF FACULTY RIGHTS EXCEPT FOR MANAGEMENT RIGHTS CLAUSE WHERE "5" EQUALS STRONGEST ASSERTION OF ADMINISTRATIVE RIGHTS.



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place for eight years or longer. Often these agreements were bargained by the AAUP, AFT or independent agents. Agreements bargained within the last six years by the NEA or mergers, reflected weaker assertion of association rights. Finally, stronger rights guarantees were related significantly ($p \leq .003$) to schools in which faculty received higher salaries. The status of the department chair in the bargaining unit did not significantly affect scoring patterns in this area.

The Personnel Decisions: Appointment, Promotion, Nonrenewal and Tenure

Academic personnel policies were the object of considerable scrutiny in the late 1960's. At one time or another, such procedures were held responsible for campus unrest, blamed for institutional rigidity, declared a refuge for lazy and incompetent faculty and deemed essential for academic freedom.

The presence of faculty unions continues to focus attention on academic personnel policies. In one of the earliest and most influential studies on faculty unionism, Ladd and Lipset argued that appointments, promotion, nonrenewal and tenure processes may succumb (lose their integrity) to organized group pressures. These authors maintained that it was in this realm that the principles of industrial (blue collar) unionism would be transposed to higher education. Despite obvious differences between business and educational organizations, they believed that unionized faculty would come to value only job security and tend to abstain from making the tough and often subjective decisions on appointment, promotion and tenure.3

3 E. C. Ladd, Jr. and S. M. Lipset. Professors, Unions and American Higher Education, Berkeley, CA: The Carnegie Commission on Higher Education, 1973, pp. 69-88.

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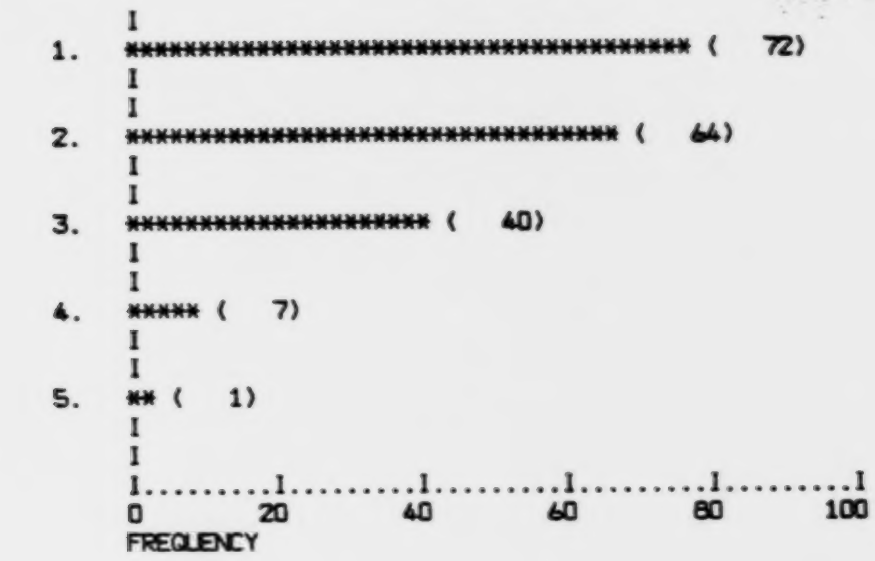
TABLE 16

APPOINTMENT



MEAN = 1.918

n = 184

"5" EQUALS STRONGEST ASSERTION OF FACULTY RIGHTS EXCEPT FOR MANAGEMENT RIGHTS CLAUSE WHERE "5" EQUALS STRONGEST ASSERTION OF ADMINISTRATIVE RIGHTS.

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Have these predictions been realized? While a detailed examination of collective bargaining agreements may not provide all the answers, general trends can be discerned. Certainly, if faculty unions were wholeheartedly embracing industrial concepts and values, this fact would have been reflected in the contract language.

In general, the clauses examined in this study gave evidence of detailed procedures designed to foster professional and not industrial objectives. Academic criteria for evaluation and promotion on the job were placed in the agreement in the majority of contracts studied. Although standards listed are far from uniform, they represent an array of factors. Criteria for appointment, promotion, nonrenewal, and tenure included: teaching effectiveness, scholarly achievement, research, publications, advanced study, intellectual breadth, skill and promise as a teacher, participation in the affairs of the college community, administrative assignments, guidance and leadership in student affairs, and unique contributions to the university and the academic profession.

Some contracts reflected procedures for establishment of faculty review committees. In general, such deliberative bodies were given the authority to make recommendations to the trustees, to collect data on faculty evaluations, to advise probationary faculty on areas of observed weaknesses and to recommend appropriate personnel actions. A number of the agreements also dealt with procedures administrators must follow should they choose to disregard committee recommendations. Strongly worded clauses required the administration to inform unsuccessful candidates in writing of the reasons for denial of advancement, and provided the right of appeal to grievants wishing to pursue the issue.

Significant findings based on our Pearson correlations indicate that the scoring patterns for these four contractual clauses are

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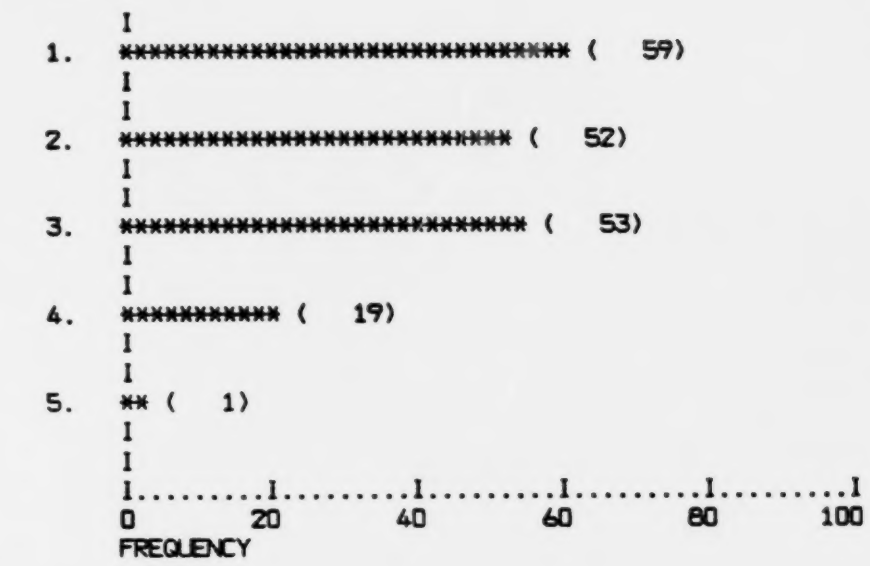
TABLE 17

PROMOTION



MEAN = 2.190

n = 184

"5" EQUALS STRONGEST ASSERTION OF FACULTY RIGHTS EXCEPT FOR MANAGEMENT RIGHTS CLAUSE WHERE "5" EQUALS STRONGEST ASSERTION OF ADMINISTRATIVE RIGHTS.

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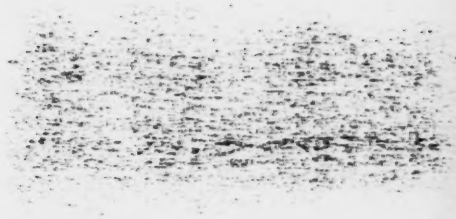
TABLE 18

NONRENEWAL



ASSIGNED
VALUE

MEAN = 2.130

n = 184

"5" EQUALS STRONGEST ASSERTION OF FACULTY RIGHTS EXCEPT FOR MANAGEMENT RIGHTS CLAUSE WHERE "5" EQUALS STRONGEST ASSERTION OF ADMINISTRATIVE RIGHTS.

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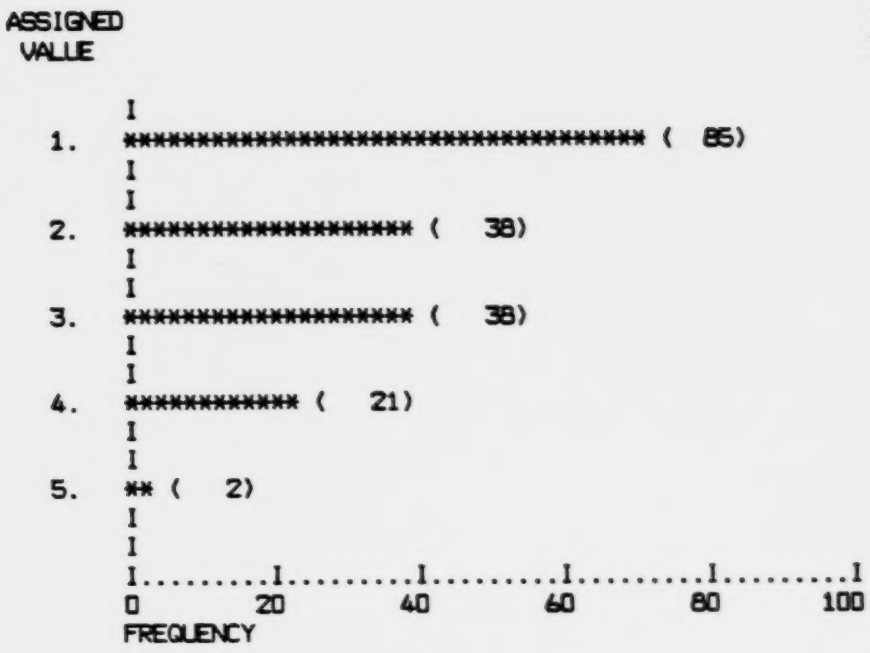
TABLE 19

TENURE



MEAN = 2.005

n = 184

"5" EQUALS STRONGEST ASSERTION OF FACULTY RIGHTS EXCEPT FOR MANAGEMENT RIGHTS CLAUSE WHERE "5" EQUALS STRONGEST ASSERTION OF ADMINISTRATIVE RIGHTS.

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similar, e.g., unions are not trading off rights on promotion decisions in favor of those concerning tenure. Our data indicate that unions invariably obtain or forfeit both. Especially strong relationships existed between appointment and tenure (.49, $p \leq .001$), promotion and tenure (.62, $p \leq .001$), appointment and promotion (.45, $p \leq .001$), and appointment and nonrenewal (.38, $p \leq .001$).

Unlike many four-year institutions, in two-year colleges the management, not the faculty, has historically been responsible for appointment, promotion, nonrenewal and tenure decisions. Traditions involving peer judgment and professional autonomy clearly are not strong in the two-year sector. For example, nearly 40 percent of contracts studied did not contain language on appointment; roughly one-third had no language on promotion or nonrenewal and almost 47 percent, nearly half, did not include language on tenure. Even so, the fact that roughly 10 percent of the sample was awarded a code of 4 in these four areas indicates that significant changes are occurring. Two-year faculties began with a smaller bundle of rights and prerogatives than their counterparts in four-year institutions. Although scaled mean scores are low (averaging 2.0), it is clear that unionized faculties are making gains.

Once again, institutional and demographic variables are significantly related to stronger or weaker assertion of faculty rights. The data presented in Table 20 reflect the strong significance of the relationships between the dependent and independent variables utilized in this study. (Also see Tables 21-32).

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TABLE 20

Appointment	$p \leq .006$ with region $p \leq .001$ with state $p \leq .005$ with agent $p \leq .004$ with unit size $p \leq .001$ with age of bargaining relationship $p \leq .001$ with compensation
Promotion	$p \leq .001$ with region $p \leq .001$ with state $p \leq .008$ with agent stability $p \leq .01$ with age of bargaining relationship $p \leq .001$ with compensation
Nonrenewal	$p \leq .001$ with region $p \leq .001$ with state $p \leq .004$ with agent $p \leq .001$ with age of bargaining relationship
Tenure	$p \leq .001$ with region $p \leq .001$ with state $p \leq .004$ with agent $p \leq .001$ with enrollment $p \leq .003$ with unit size $p \leq .05$ with age of bargaining relationship $p \leq .001$ with compensation

It is of interest to note that scoring on these clauses is not significantly related to enabling legislation or the status of the department chair in relation to the bargaining unit.

In all or most cases, region, state, institutional size, the age of the bargaining relationship, bargaining agent and level of compensation, are significantly related to the union's ability to bargain personnel rights language. We were impressed with the degree to which the independent variables have proved to be statistically significant.

The key word in the industrial relations environment is leverage. Without it a union can do little more than retain the status quo. There

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TABLE 21

AGE OF RELATIONSHIP
TWO-YEAR INSTITUTIONS

	OVERALL	LRP	RET	APPT	PROM	NONR TEN	MGT RTS
2 YEARS n = 4	1.67	2.25	2.25	1.25	1.00	1.25	1.00	4.00
4 YEARS n = 30	1.99	1.80	1.96	1.50	1.86	1.60	1.60	4.00
6 YEARS n = 32	2.11	1.87	3.28	1.50	2.03	2.06	1.96	3.90
8 YEARS n = 25	2.33	2.28	2.72	2.28	2.40	2.24	2.08	3.76
11 YEARS n = 42	2.35	2.50	2.38	2.16	2.52	2.35	2.19	3.76
14 YEARS n = 44	2.32	2.34	2.70	2.11	2.22	2.43	2.13	3.68
17 YEARS n = 7	2.26	2.28	3.14	2.00	2.00	1.58	2.29	3.57
n = 184								
CONTRACT NUMBER								
1ST n = 16 = 8.7%		2.06	1.75	1.18	1.50	1.37	1.25	4.06
LATER n = 168 = 91.3%		2.20	1.70	1.98	2.25	2.20	2.08	3.77
TOTAL n = 184								

SCALED MEAN SCORES ARE PRESENTED
"5" EQUALS STRONGEST ASSERTION OF FACULTY RIGHTS EXCEPT FOR MANAGEMENT RIGHTS CLAUSE WHERE "5" EQUALS STRONGEST ASSERTION OF ADMINISTRATIVE RIGHTS.

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TABLE 22

REGION

TWO-YEAR INSTITUTIONS

CONTRACT CLAUSES	MIDWEST (72) 39.1%	WEST (46) 25%	EAST (66) 35.9%
LONG RANGE PLANNING	2.01	2.28	2.33
RETRENCHMENT	2.84	2.28	2.61
APPIONTMENT	1.75	1.76	2.22
PROMOTION	1.65	2.26	2.73
NONRENEWAL	1.91	1.80	2.59
TENURE	1.66	2.00	2.38
MANAGEMENT RIGHTS	4.03	3.78	3.57

TOTAL n = 184

SCALED MEAN SCORES ARE PRESENTED

"5" EQUALS STRONGEST ASSERTION OF FACULTY RIGHTS EXCEPT FOR MANAGEMENT RIGHTS CLAUSE WHERE "5" EQUALS STRONGEST ASSERTION OF ADMINISTRATIVE RIGHTS

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TABLE 23

DEPARTMENT CHAIR

TWO-YEAR INSTITUTIONS

CONTRACT CLAUSES	IN (107) 58.2%	OUT (77) 41.8%
LONG RANGE PLANNING	2.23	2.14
RETRENCHMENT	2.64	2.58
APPOINTMENT	1.87	1.97
PROMOTION	2.19	2.18
NONRENEWAL	2.15	2.09
TENURE	2.10	1.87
MANAGEMENT RIGHTS	3.77	3.84

TOTAL n= 184

SCALED MEAN SCORES ARE PRESENTED

"5" EQUALS STRONGEST ASSERTION OF FACULTY RIGHTS EXCEPT FOR MANAGEMENT RIGHTS CLAUSE WHERE "5" EQUALS STRONGEST ASSERTION OF ADMINISTRATIVE RIGHTS.

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TABLE 24

STABILITY OF AGENT

TWO-YEAR INSTITUTIONS

	LRP	RET	APPT	PROM	NON	TEN
ONE AGENT	2.19	2.63	1.86	2.11	2.08	1.96
OUT TO IND.	2.50	2.00	2.00	2.25	1.50	2.00
IND. TO OUT	2.00	2.70	2.08	2.20	2.37	2.00
OUT A-to-OUT B	2.60	2.40	2.20	3.20	2.50	2.60

OUT A - OUT B = 2.58

IND. to OUT = 2.23

ONE AGENT = 2.14

OUT to IND. = 2.04

TOTAL n = 184

SCALED MEAN SCORES ARE PRESENTED

"5" EQUALS STRONGEST ASSERTION OF FACULTY RIGHTS EXCEPT FOR MANAGEMENT RIGHTS CLAUSE WHERE "5" EQUALS STRONGEST ASSERTION OF ADMINISTRATIVE RIGHTS.

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TABLE 25

AFFILIATION

TWO-YEAR INSTITUTIONS

CONTRACT CLAUSES	PUBLIC (178)	PRIVATE (6)
LONG RANGE PLANNING	2.20	2.00
RETRENCHMENT	2.59	3.50
APPOINTMENT	1.92	2.00
PROMOTION	2.17	2.67
NONRENEWAL	2.12	2.50
TENURE	1.98	2.67
MANAGEMENT RIGHTS	3.81	3.50

TOTAL n = 184

SCALED MEAN SCORES ARE PRESENTED

"5" EQUALS STONGEST ASSERTION OF FACULTY RIGHTS EXCEPT FOR MANAGEMENT RIGHTS CLAUSE WHER "5" EQUALS STRONGEST ASSERTION OF ADMINISTRATIVE RIGHTS.

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TABLE 26

ENROLLMENT

TWO-YEAR INSTITUTIONS

	LRP	RETR	APPT	PROM	NONR	TEN	OVERALL
0-749 n=6=33% of sample	2.17	2.33	1.16	1.66	2.16	1.66	1.86
750-1499 n=19=10.3% of sample	1.68	2.78	1.78	2.05	2.05	1.47	1.97
1500-2999 n=36=19.6% of sample	2.08	2.91	1.83	1.97	2.22	1.41	2.07
3000-4999 n=27=14.7% of sample	2.07	2.48	1.96	2.25	2.18	1.92	2.14
5000-9999 n=49=26.6% of sample	2.36	2.36	1.93	2.53	2.32	2.57	2.39
10,000-19,999 n=28=15.2% of sample	2.35	2.50	2.17	2.00	1.92	2.28	2.20
20,000-39,999 n=13=7.1% of sample	2.53	2.30	2.00	2.23	1.69	1.92	2.11
40,000 + n=6=3.3% of sample	2.17	2.33	1.83	2.17	1.83	2.17	2.08

TOTAL n = 184

SCALED MEAN SCORES ARE PRESENTED

"5" EQUALS STRONGEST ASSERTION OF FACULTY RIGHTS EXCEPT FOR MANAGEMENT RIGHTS CLAUSE WHERE "5" EQUALS STRONGEST ASSERTION OF ADMINISTRATIVE RIGHTS.

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is little doubt that faculty in institutions with certain characteristics and who are represented by a particular exclusive agent have fared better in collective bargaining. For example, in larger midwestern and eastern schools, in which salary levels are high, the bargaining relationship is older, and the AFT and independents predominate, the contracts reflect stronger assertions of faculty prerogatives. In smaller midwestern and western institutions in which salary levels are lower, bargaining relationships younger, and faculties are represented by the AALP and NEA, faculty unions do not or cannot attain as strong a voice in institutional and personnel decisions.

These significant relationships show that unionized faculty in two-year institutions with similar institutional and demographic characteristics, structural variables, behave similarly at the bargaining table. There is no question that unions obtain more when greater resources are available. However, the abilities of negotiators from different unions and different states also are reflected in the types of agreements negotiated. Invariably, faculty in larger bargaining units have more clout and, over time, negotiate better agreements. In conclusion, unions representing employees in particular types of institutions, even within the same sector, are affected, in terms of bargaining outcomes by the presence of institutional and demographic variables; far more so than previously hypothesized.

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TABLE 27

STATISTICALLY SIGNIFICANT DIFFERENCES

IN ALL CONTRACT (n=285) ACCORDING TO BARGAINING AGENT

AGENT (UNRANKED)	CONTRACT CLAUSE						
	LRP**	RET**	APPT**	PROM**	NONR**	TEN*	MGT RTS**
AFT (88)	2.38 (.86)	2.69 (.90)	2.32 (1.07)	2.57 (1.03)	2.48 (1.04)	2.48 (1.17)	3.53 (.66)
AALP (39)	2.49 (1.07)	3.33 (1.18)	2.51 (1.91)	2.95 (1.21)	2.67 (1.16)	3.10 (1.25)	3.23 (.74)
NEA (132)	2.02 (.79)	2.61 (1.01)	1.86 (.86)	2.31 (1.09)	2.11 (.97)	1.89 (1.03)	3.85 (.70)
IND. (20)	2.10 (.79)	2.60 (.88)	1.80 (.70)	1.95 (1.10)	1.85 (.67)	2.30 (1.26)	4.00 (.65)
MERGER (6)	1.50 (.55)	3.00 (.89)	2.67 (1.51)	3.00 (.89)	3.00 (.89)	3.17 (1.17)	3.17 (.75)
OVERALL AVERAGE n = 285 $M(\sigma)$	2.19 (.87)	2.74 (1.02)	2.10 (1.00)	2.47 (1.11)	2.30 (1.03)	2.30 (1.20)	3.66 (.73)

* $p \leq .01$

** $p \leq .002$

M = MEAN FOR TOTAL POPULATION

σ = STANDARD DEVIATION FOR TOTAL POPULATION

TOTAL n = 285

SCALED MEAN SCORES ARE PRESENTED

"5" EQUALS STRONGEST ASSERTION OF FACUTLY RIGHTS EXCEPT FOR MANAGEMENT RIGHTS CLAUSE WHERE "5" EQUALS STRONGEST ASSERTION OF ADMINISTRATIVE RIGHTS.

TABLE 28

STATE RANKINGS

DEPENDENT VARIABLES

TWO-YEAR INSTITUTIONS

STATE (n)	OVERALL	LRP	RET	APPT	PROM	NONR	TEN
PENN (10)	2.93	2.70	2.90	3.10	3.00	3.50	2.40
WASH (16)	2.75	2.62	2.87	2.31	3.31	2.31	3.06
N J (16)	2.47	2.25	2.31	1.93	3.12	2.62	2.56
N Y (28)	2.41	2.25	2.57	2.17	2.53	2.50	2.42
MICH (21)	2.30	2.57	3.09	2.28	1.85	1.95	2.04
WISC (13)	2.23	2.00	3.07	1.92	1.53	2.84	1.00
ILL (16)	2.08	2.06	2.56	1.81	1.75	1.87	2.43
OTHER (44)	1.91	1.95	2.81	1.54	1.86	1.70	1.59
CAL (20)	1.38	1.85	1.40	1.15	1.50	1.25	1.10

MANAGEMENT RIGHTS

OTHER	4.18
CAL	4.10
ILL	4.00
MICH	3.76
WISC	3.69
N Y	3.67
N J	3.43
WASH	3.31
PENN	3.20

TOTAL n = 184

SCALED MEAN SCORES ARE PRESENTED

"5" EQUALS STRONGEST ASSERTION OF FACULTY RIGHTS EXCEPT FOR MANAGEMENT RIGHTS CLAUSE WHERE "5" EQUALS STRONGEST ASSERTION OF ADMINISTRATIVE RIGHTS.

TABLE 29

RANK OF AGENT BY DEPENDENT VARIABLE

PUBLIC TWO-YEAR INSTITUIONS

	OVERALL MEAN	LRP	RET	APP	PROM	NONR	TEN
AFT	2.93	2.58	2.61	2.25	2.45	2.49	2.30
IND.	2.72	2.27	3.09	2.00	1.90	1.72	2.63
MERGER	2.60	1.50	2.50	1.50	2.50	2.50	2.50
NEA	2.41	2.01	2.51	1.76	2.07	1.99	1.75
AAUP	1.93	2.00	3.00	1.00	1.33	1.00	1.33

RANK OF AGENT BY MANEGEMENT RIGHTS

AAUP	4.00
NEA	3.96
IND.	3.81
AFT	3.52
MERGER	3.50

TOTAL n = 178

SCALED MEAN SCORES ARE PRESENTED

"5" EQUALS STRONGEST ASSERTION OF FACULTY RIGHTS EXCEPT FOR MANAGEMENT RIGHTS CLAUSE WHERE "5" EQUALS STRONGEST ASSERTION OF ADMINISTATIVE RIGHTS.

TABLE 30

STATISTICALLY SIGNIFICANT DIFFERENCES

IN CONTRACTS FOR PUBLIC AND PRIVATE SCHOOLS

CONTRACT CLAUSE	PUBLIC N = 229 $\bar{x}$ (sd)	PRIVATE N = 56 $\bar{x}$ (sd)	OVERALL N = 285 $M(\sigma)$
APPOINTMENT	2.00 (.97)	2.54 (1.03)**	2.10 (1.00)
PROMOTION	2.35 (1.08)	2.95 (1.12)**	2.47 (1.11)
NONRENEWAL	2.20 (1.01)	2.71 (1.00)**	2.30 (1.03)
TENURE	2.16 (1.16)	2.84 (1.20)**	2.30 (1.20)
MANAGEMENT RIGHTS	3.71 (.71)	3.46 (.79)**	3.66 (.73)

** $p \leq .001$

$\bar{x}$ = MEAN

M = MEAN FOR TOTAL POPULATION

sd = STANDARD DEVIATION

σ = STANDARD DEVIATION FOR TOTAL POPULATION

TOTAL n = 285

SCALED MEAN SCORES ARE PRESENTED

"5" EQUALS STRONGEST ASSERTION OF FACULTY RIGHTS EXCEPT FOR MANAGEMENT RIGHTS CLAUSE WHERE "5" EQUALS STRONGEST ASSERTION OF ADMINISTRATIVE RIGHTS.

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TABLE 31

STATISTICALLY SIGNIFICANT DIFFERENCES

IN CONTRACTS FOR TWO AND FOUR-YEAR SCHOOLS

CONTRACT CLAUSE	TWO-YEAR n = 184 $\bar{x}$ (sd)	FOUR-YEAR n = 101 $\bar{x}$ = (sd)	OVERALL n = 285 M (σ)
APPOINTMENT	1.92 (.90)	2.44 (1.01)**	2.10 (1.00)
PROMOTION	2.19 (1.02)	2.97 (1.09)**	2.47 (1.11)
NONRENEWAL	2.13 (1.01)	2.61 (1.00)**	2.30 (1.03)
TENURE	2.01 (1.11)	2.82 (1.19)**	2.30 (1.20)
RETRENCHMENT	2.62 (.97)	2.97 (1.06)**	2.74 (1.02)
MANAGEMENT RIGHTS	3.80 (.67)	3.41 (.76)**	3.66 (.73)

* $p \leq .01$

** $p \leq .001$

$\bar{x}$ = MEAN

M = MEAN FOR TOTAL POPULATION

sd = STANDARD DEVIATION

σ = STANDARD DEVIATION FOR TOTAL POPULATION

SCALED MEAN SCORES ARE PRESENTED

"5" EQUALS STRONGEST ASSERTION OF FACULTY RIGHTS EXCEPT FOR MANAGEMENT RIGHTS CLAUSE WHERE "5" EQUALS STRONGEST ASSERTION OF ADMINISTRATIVE RIGHTS.

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Findings

Two-Year Sector

General Patterns

Our contract analysis revealed only modest inroads into decisions in the administrative and personnel areas. However, two quite different but related rights contests are taking place in the two-year and four-year sectors. Unlike their colleagues in four-year universities, community and junior college faculties were never able to claim the prebargaining rights associated with traditional university governance and peer review. Through collective bargaining, two-year faculties have succeeded in making real gains into uncharted rights territories. Unionized two-year faculties are utilizing collective bargaining to gain access to rights not held or realized prior to collective bargaining. It is also probable that for this reason collective bargaining relationships are more polarized and more apt to be perceived as win-lose in two-year colleges.

Historically, two-year administrators have exercised strong controls over institutional finances, planning and personnel matters. Our analysis indicated that two-year administrators are still quite able to hold their own at the collective bargaining table and are placing their traditional prerogatives into the bargaining agreement. Mean scores for the management rights clause are higher than those found for nearly all of the other clauses studied. The one exception was retrenchment. The fact that the retrenchment clause appears to be the focus of greatest struggle indicates the fear of layoff is real and providing safeguards for employees is a top priority for two-year

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unions. This is true particularly in schools in the Midwest where the economy is far less vigorous than in eastern or western locales.

Unions in the two-year colleges were less successful than the four-year in pushing into traditional personnel areas. Mean scores on appointment, promotion, nonrenewal and tenure indicate little more than discussion of such concerns. However, the tradition of peer review historically has not been associated with two-year faculties. Then too, large numbers of part-time faculty are employed. Decisions concerning advancement on the job have been made by administrators. Our data indicate that, over time, and after the retrenchment problem is addressed, faculties attempt to emulate the four-year sector and to negotiate stronger rights guarantees for traditional personnel concerns. A two-year school located in an area in which there is a high degree of unionization among colleagues in four-year institutions will be affected positively. While "trickle down" theories may not be in vogue in assessing third world economies, the presence of "richer" four-year faculties correlates positively with higher rights scores in two-year agreements.

Two-Year vs. Four-Year Institutions

A marked contrast emerged between two-year and four-year institutions. In nearly every area, the two-year means are lower, particularly in the public sector. It must be remembered, however, that prebargaining faculty rights in two-year schools usually were much weaker than those in four-year institutions. In at least some parts of the four-year sector, the administration and faculty were primarily engaged in sorting out their respective rights and placing them in the contract. On the

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other hand, most two-year faculty associations, using the four-year as a model, were just beginning to chip away at the bundle of rights held by the administration. At least in the public sector, quite different kinds of rights battles were taking place, and in reality, we are looking at two quite different kinds of achievements concerning contractually specified voice in administrative and personnel decisions.

Scores for schools in the private sector were significantly higher than scores in public institutions - particularly in the areas of appointment, promotion, nonrenewal, tenure, and management rights. Stronger management rights (stronger administrative voice) are inversely related to weaker union rights in personnel and administrative areas.

Institutional and Demographic Variables

We have noted some recurrent patterns. Certain institutional and demographic variables are frequently and significantly related to bargaining outcomes. In fact, the high degree of significance of so many of the variables studied would indicate that local economic, political and organizational factors play a far more determining role in shaping the bargaining process in this sector than in four-year institutions. Community and junior colleges have historically been strongly identified with the community in which they are located and this finding corroborates this historical fact.

Within the two-year sector, the private colleges have out scored the public, on all variables studied, with the exception of the long range planning function. Again, with regard to retrenchment, the economic crunch that began to plague higher education in the 1970's has

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continued to take its toll. This in turn has made the resource allocation decisions involved in retrenchment a key issue. Because education is a labor intensive industry, faculty view retrenchment - unlike long range planning - as an insistent, threatening matter. The mean score of 3.5 in the private schools and 2.6 in the public, lends credence to this observation.

With regard to the bargaining agent, the relationship of faculty rights gains to the identity of the exclusive representative is a matter of considerable interest and much speculation. Our data indicate, at a significant level, that contracts associated with the AFT are the strongest with respect to safeguarding faculty rights. Rights gains made by independent unions or mergers of agents rank second. Contracts negotiated by the NEA and AAUP contain weaker faculty rights assertions. In part, these data reflect the type of institutions in which particular agents are chosen. For example, in California, where the NEA is strong, bargaining relationships tend to be newer, the political atmosphere is less conducive to unionization and vigorous activity in the four-year sector, and in public employee unions in general, has been until recently, nonexistent. Unions representing faculties in this state have also been content to leave personnel rights guarantees in statute and to refrain from placing rights, such as tenure, in the negotiated agreement. It is conceivable that faculty in unionized two-year institutions in California may not be as weak as these contracts indicate. Still it is interesting to speculate why the California agreements rank lowest when compared to other states. Four-year faculty in California have not been content to leave personnel rights in statute or policy manuals even though the option to do so was available. The agreements negotiated by the University of San Francisco in the private

sector and the multi-campus contract covering the huge California State University system reflect strong assertions of faculty rights on all issues studied.

In the East and Midwest, unlike most of the West, there is greater ethnic cohesiveness. The traditional urban voting patterns and the role played by unions in urban and statewide political affairs also affect the industrial labor relations environment in colleges and universities. In strong union states, institutional leaders do not care to risk being labeled "anti-labor". The same is true for politicians. Former Republican Governors Milliken of Michigan and Rockefeller of New York did not want to be perceived as opposed to organized labor. California's Republican Governor Deukmejian has publicly opposed pro-union legislation and is far less susceptible to union lobbying efforts.

In regions in which the economy is healthy, and in which there are fewer urban centers and an absence of traditional ethnic bonds, all individuals - including teaching professionals - are less likely to perceive organized group action as a viable means to obtain personal and professional goals. In these regions, the normative values of unions contrast with the ethos of "rugged individualism" so prevalent in much of the West and South. This is true especially in higher education where academic values of the profession often clash with those advocated by labor union leaders. (The current debate on merit pay is an interesting case in point.) Enabling public sector labor legislation, a prerequisite to viable unionism, particularly in the public sector, is not a factor in many Western and Southern states. All of these factors

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translate into weaker faculty agreements as contrasted to those found in two-year schools in, for example, the East.

A positive relationship exists between the bargaining agent and assertion of faculty and management rights scores. NEA and AALP contracts, in this sector, reflect the highest management rights mean scores. Contracts negotiated by the AFT and mergers have less specificity in management rights language.

Also of interest was the relationship between exclusive representative stability, or agent transition, and strength of language. When a faculty votes out one bargaining agent in favor of another, the agreement negotiated by the incoming agent invariably reflects stronger rights guarantees. This is particularly true in the promotion area. Our data also indicate that bargaining agents with national constituencies, such as the AFT, may be able to draw on greater financial and human resources than independent agents. This too, translates into leverage at the bargaining table. In any event, we have concluded that, regardless of institutional characteristics, the identity and stability of the exclusive representative is a crucial and significant variable in assessing bargaining outcomes.

Finally, analysis of Pearson correlations associated with all two-year sector contracts indicate that when faculty associations attain strong rights guarantees, they invariably win them across the board. Conversely, a contract that lacked strong personnel guarantees in one area often was found to exhibit weaker language in other personnel clauses. The relationship among bargaining achievements in personnel matters (appointment, promotion, nonrenewal, tenure) is, however, more pronounced than those for either long range planning or retrenchment. The management rights clause is inversely related to scoring patterns in

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TABLE 32

STATISTICALLY SIGNIFICANT DIFFERENCES

IN CONTRACTS FOR TWO AND FOUR-YEAR

PUBLIC AND PRIVATE SCHOOLS

CONTRACT CLAUSE	PUBLIC		PRIVATE	
	TWO-YEAR n = 178 $\bar{x}$ (sd)	FOUR-YEAR n = 51 $\bar{x}$ (sd)	TWO-YEAR n = 6 $\bar{x}$ (sd)	FOUR-YEAR n = 50 $\bar{x}$ (sd)
RETRENCHMENT*	2.59 (.95)	3.06 (1.03)	3.50 (1.05)	2.88 (1.10)
APPOINTMENT**	1.92 (.90)	2.28 (1.15)	2.00 (.89)	2.60 (1.03)
MANAGEMENT RIGHTS**	3.81 (.67)	3.35 (.74)	3.50 (.84)	3.46 (.79)
NONRENEWAL**	2.12 (1.01)	2.49 (.97)	2.50 (.84)	2.74 (1.03)
TENURE**	1.98 (1.09)	2.78 (1.21)	2.67 (1.51)	2.86 (1.18)

* $p \leq .01$

** $p \leq .001$

$\bar{x}$ = MEAN

sd = STANDARD DEVIATION

SCALED MEAN SCORES ARE PRESENTED

"5" EQUALS STRONGEST ASSERTION OF FACULTY RIGHTS EXCEPT FOR MANAGEMENT RIGHTS CLAUSE WHERE "5" EQUALS STRONGEST ASSERTION OF ADMINISTRATIVE RIGHTS.

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all other personnel and administrative matters. This finding leads us to believe that the management rights issue is still an accurate predictor of the degree to which faculty associations can secure a voice in personnel and administrative decision making.

Concluding Observations

At the outset of this study we acknowledged that the sum total of a collective bargaining relationship encompasses more than the bargaining agreement. There are times when the parties may ignore or amplify written contract provisions in an effort to get along with one another.

It is also conceivable that unions may not desire negotiations concerning specific types of shared governance. Why attempt codification of the deliberative processes of a university senate when the possibility of two bites at the apple exists. "Why fix something that ain't broken." - is a popular expression at the negotiating table. This may explain why certain unions have been content to leave rights guarantees in statute or to refrain from opening up new areas for negotiation that can be handled successfully in another forum. Interviews conducted during the course of our study indicate that a number of individuals on the union side of the table believe rights may be better safeguarded in a statute or in institutional bylaws than in a negotiated agreement. Obviously, many more union advocates have rejected this point of view.

Two-year bargaining takes place almost entirely in the public sector. Our results reinforce the notion that negotiators in the public sector are more politically and legally circumscribed than their private sector counterparts. In the absence of robust bureaucracies and a welter of regulatory agencies or divisions (internal and external),

private sector parties have more flexibility to address their institutional and personal concerns. Unionized private faculties have been able to secure greater rights than their public counterparts through negotiations. We suspect that, with a few exceptions, this generalization applies to other spheres of academic life as well.

The language of the agreements we studied provides insight into a bargaining process that has been much debated in higher education. We conclude that, as in other unionized industries, the unions and managements have been innovative in their adaptation of collective bargaining to existing institutional structures and processes. After negotiations commence, faculty and management endeavor to incorporate existing policies and procedures into collective bargaining agreements. Particularly in organizations of like characteristics, the outcomes of collective bargaining proved to be very similar.

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Academic Collective Bargaining

Explanation of Independent and Dependent Variables

Independent Variables	Assigned Values and Codes
1. Region	Midwest = 1 West = 2 East = 3
2. State	Other = 1 Wisconsin = 1 Illinois = 3 Pennsylvania = 4 Washington = 5 New Jersey = 6 Michigan = 7 California = 8 New York = 9
3. Agent	Merger = 1 Independent = 2 NEA = 3 AAUP = 4 AFT = 5
4. Enrollment	0 - 749 = 1 750 - 1499 = 2 1500 - 2999 = 3 3000 - 4999 = 4 5000 - 9999 = 5 10,000 - 19,999 = 6 20,000 - 39,999 = 7 40,000 - above = 8
5. Affiliation	Private = 1 Public = 2
6. Institutional Quality-Carnegie Commission	I = 1 IIA = 2 IIB = 3 III = 4 IV = 5

7.	Institutional Type	Research A = 1 Research B = 2 Doctoral A = 3 Doctoral B = 4 Comprehensive A = 5 Comprehensive B = 6 Liberal Arts A = 7 Liberal Arts B = 8 Specialized = 9 None = 10
8.	Enabling Legislation	None = 1 Two-year = 2 Two-year and Four-year = 3 Not applicable = 0
9.	Bargaining Unit Size	0 - 49 = 1 50 - 99 = 2 100 - 149 = 3 150 - 249 = 4 250 - 499 = 5 500 - 999 = 6 1000 and above = 7
10.	Agent Stability	one agent only = 1 one agent in, to another agent in = 2 one agent in to no agent = 3 two separate agents voted out = 4
11.	Age Relationship	Two-years = 1 Four-years = 2 Six-years = 3 Eight-years = 4 Eleven-years = 5 Fourteen-years = 6 Seventeen-years and above = 7
12.	Contract Number	First contract = 1 Second contract = 2
13.	Department Chair	Out of Unit = 1 In the Unit = 2

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14. Compensation Received

0 - 19% = 1
20 - 39% = 2
40 - 59% = 3
60 - 79% = 4
80 - 94% = 5
95% + = 6

Dependent Variables	Possible Scores Received
Long Range Planning	1 through 5
Retrenchment	" " "
Appointment	" " "
Promotion	" " "
Nonrenewal	" " "
Tenure	" " "
Management Rights	" " "

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